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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,600	01/30/2002	Stuart Leitch	76971	8273
24628	7590	04/05/2005		
WELSH & KATZ, LTD			EXAMINER	
120 S RIVERSIDE PLAZA			COLLINS, DOLORES R	
22ND FLOOR				
CHICAGO, IL 60606			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/060,600	LEITCH, STUART <sup>0</sup>
	<b>Examiner</b>	<b>Art Unit</b>
	Dolores R. Collins	3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 08 February 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 5-13,15 and 17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 11-13,15 and 17 is/are allowed.

6)  Claim(s) 5 is/are rejected.

7)  Claim(s) 6-10 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

Upon further consideration of this application, the subject matter contained in claims 5-10 is no longer considered allowable. The office action of 9/8/04 is withdrawn. Please excuse the delay in prosecution.

### ***Response to Amendment***

Examiner acknowledges response by applicant's representative received 2/8/05. Examiner further acknowledges the cancellation of claims 1-4, 14, 16 & 18-21.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Hoyle.

Hoyle discloses on pages 338-339 the game of Klondike.

Regarding claim 5

Hoyle teaches:

- a method of playing a solitaire game played with conventional playing cards;
- a set of game pieces (cards) grouped into at least four groups (clubs, hearts, diamonds and spades), a second means of ordering the game pieces (cards) in each group (2 through Ace) and a third means of grouping the game pieces (cards) into two independent groups (red and black cards);
- distributing the game pieces (cards) into a reserve area (starting area), a field area (area of game play) and a stock area (area for the pack of cards being used);
- moving the game pieces (cards) from the stock and reserve area into the field area such that the game pieces (cards) are ordered– consistent with the game of solitaire;
- at least one strategy piece (joker which can be wild) and
- moving the game pieces (cards) from the field area and stock area to the home area (area where the completes sets are placed).

***Allowable Subject Matter***

Claims 11-13, 15 & 17 are allowed.

The following is an examiner's statement of reasons for allowance: Patentability has been found because the prior art fails to suggest or show the combination as set forth in the independent claim 11 including 'game pieces having a first means for grouping the game pieces into at least six groups' <sup>are</sup> This requirement ~~is~~ <sup>are</sup> not seen or fairly suggested by the prior art of record.

*4-1-05  
SP*

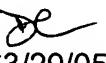
Claims 6-10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Dolores R. Collins*** whose telephone number is **(571) 272-4421**. The examiner can normally be reached on 8:00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Greg Vidovich*** can be reached on **(571) 272-4415**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

  
\*\*\*3/29/05

  
**Sebastiano Passaniti**  
Primary Examiner